

WC 04-77

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )

Request of Limited Modification of )  
LATA Boundaries to Provide ELCS )  
Between the Jackson Exchange )  
and the Tyler Exchange. )

File No.

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Federal Communications Commission  
Office of the Secretary

PETITION OF SOUTHWESTERN BELL TELEPHONE, L.P. FOR MODIFICATION  
OF A LATA BOUNDARY IN TEXAS

I. INTRODUCTION

Southwestern Bell Telephone, L.P. d/b/a SBC Texas (SBC), pursuant to Section 3(25) of the Communications Act of 1934, as amended,<sup>1</sup> and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,<sup>2</sup> hereby submits an application for a limited modification of LATA boundaries to provide Expanded Local Calling Service ("ELCS") between the Jackson and Tyler exchanges in Texas.

II. SUPPORTING INFORMATION

As required by paragraph 23 of the aforementioned MO&O, SBC provides the following information in support of its application:

1. Type of service. Flat-rate, non-optional Expanded Local Calling Service (ELCS);
2. Direction of service: Two-way;
3. Exchanges involved: Jackson in the Dallas LATA and Tyler in the Longview LATA;

<sup>1</sup> The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

<sup>2</sup> *Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, Memorandum Opinion and Order, CC Docket No. 96-159, 12 FCC Rcd 10646 (1997)

4. Name of carriers: Jackson of Verizon Southwest, Inc. and Tyler of Southwestern Bell Telephone, L.P. d/b/a SBC Texas;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers:  
The Jackson exchange has 1,597 access lines, and the Tyler exchange has 95,705 access lines;
7. Usage data: Usage data is not available to SBC. SBC does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Jackson customers returning ballots who voted in favor of ELCS to Tyler: 70.03. Where SBC is the petitioning exchange, there is no proposed rate increase. Where SBC is not the petitioning exchange, SBC does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

### III. *PRIMA FACIE* SHOWING

SBC believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines.

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5. State commission approval(s): See Attachment A;
6. Number of access lines or customers:  
The Jackson exchange has 1,597 access lines, and the Tyler exchange has 95,705 access lines;
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9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

### **III. PRIMA FACIE SHOWING**

SBC believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines.

**IV. CONCLUSION**

Wherefore, SBC requests that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Jackson exchange and the Tyler exchange.

Respectfully submitted,  
SOUTHWESTERN BELL TELEPHONE, L.P. D/B/A  
SBC TEXAS

By: /s/ Terri L. Hoskins  
Terri L. Hoskins  
Gary L. Phillips  
Paul Mancini

Southwestern Bell Telephone, L.P. d/b/a SBC Texas  
1401 I Street, NW  
Suite 400  
Washington, DC 20005  
(202) 326-8893 - telephone  
(202) 408-8763 – fax

Its Attorneys

March 5, 2004

DOCKET NO. 27761

PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION  
CALLING SERVICE FROM THE JACKSON §  
EXCHANGE TO THE EXCHANGE OF § OF TEXAS  
TYLER §

INTERIM ORDER

Findings of Fact

1. On May 8, 2003, subscribers of the Jackson Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchange of Tyler.
2. The processes for petitioning and balloting included notice that if service to the Tyler Exchange is approved by ballot, an additional monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis would apply.
3. The Jackson Exchange is in the Dallas Local Access and Transport Area (LATA) and is served by Verizon Southwest, Inc. The petitioned exchange of Tyler is in the Longview LATA and is served by Southwestern Bell Telephone Company d/b/a SBC Texas (SBC).
4. An affirmative vote of 70.03 percent of Jackson Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Tyler Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

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6. Utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. § 23.49(c)(3)(B)(i), the central office of the petitioned exchange of Tyler is 37.43 miles from the petitioning exchange and the central office.
7. In addition to satisfying the geographic requirement of the Texas Public Utility Commission rules that the central switching office for a petitioned exchange be within 50 miles of the petitioning exchange, statements attesting to the existence of a community of interest between the petitioning and petitioned exchange were filed on May 8, 2003, for the petitioned exchange of Tyler.
8. The Tyler Exchange is the location of the doctors, clinics and hospitals that subscribers in the Jackson Exchange use for medical care. Many of the subscribers in the Jackson Exchange are senior citizens on fixed incomes and both the seniors and non-seniors need to communicate with their doctors, friends, and family while receiving medical care from the hospitals and clinics in Tyler.
9. Based on the statement referenced in Finding of Fact No. 8, there is a community of interest between the petitioning Jackson Exchange and the petitioned exchange of Tyler.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

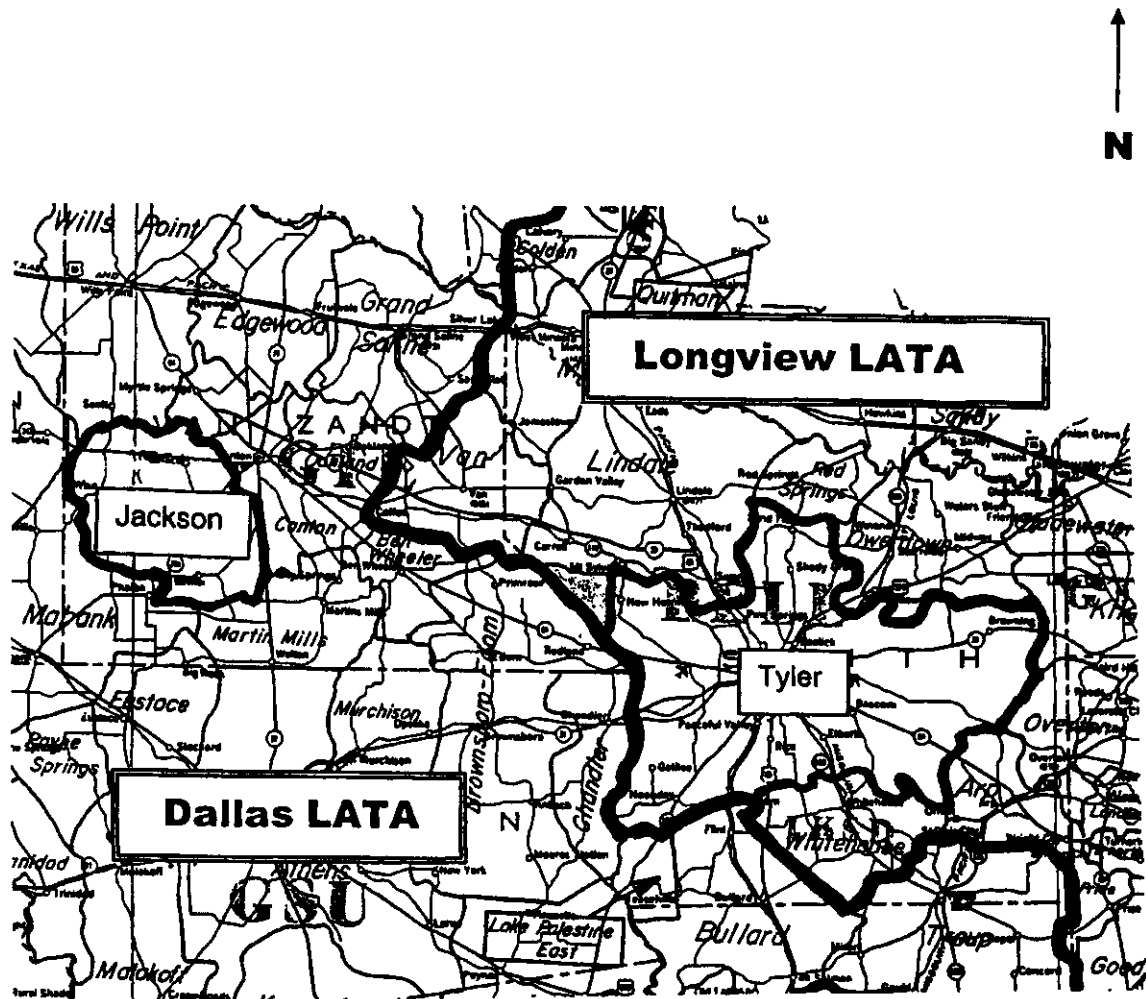
1. Petitioners from the Jackson Exchange have shown a community of interest with the exchange of Tyler.
2. SBC is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24 by April 30, 2004.
3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SBC is directed to file such Order or Notice in this project.

SIGNED AT AUSTIN, TEXAS the 5<sup>th</sup> day of January 2004.

PUBLIC UTILITY COMMISSION OF TEXAS

  
MICHAEL E. FIELD  
DIRECTOR, DOCKET MANAGEMENT  
POLICY DEVELOPMENT DIVISION

# Jackson to Tyler



1 inch = approx. 11 mi.

40 miles